

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LOUIS G. RASETTA and JOHN J. SHAUGHNESSY,
as they are TRUSTEES, INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL 4 HEALTH
AND WELFARE, PENSION AND ANNUITY FUNDS,
and LOUIS G. RASETTA and CHRISTOPHER
BARLETTA, as they are TRUSTEES, HOISTING AND
PORTABLE ENGINEERS LOCAL 4 APPRENTICE
AND TRAINING FUNDS and INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 4,
Plaintiffs

C.A. No. 05-10425 RCL

vs.

SAI SURVEYING CORPORATION and
BARBARA SZEPAWOWSKI,
Defendants

and

CITIZENS BANK,
Trustee

PLAINTIFFS' MOTION FOR FINDING OF CIVIL CONTEMPT

Plaintiffs Louis G. Rasetta and John J. Shaughnessy, as they are Trustees, International Union of Operating Engineers Local 4 Health and Welfare Fund, et al., move this honorable Court pursuant to Rule 37(b)(2)(D), Fed.R.Civ.P, for issuance of an order to show cause why Defendants SAI Surveying Corporation and Barbara Szepatowski should not be found in contempt of this Court's Electronic Order of June 8, 2006 granting Plaintiffs' Motion to Compel Defendants' Answers to Plaintiffs' Post-Judgment Discovery Requests; why they should not joint and severally pay conditional and compensatory fines as a result of their conduct; and why

Ms. Szepatowski should not be placed in custody or imprisoned pending compliance with the Court's Order. Responses to the Post-Judgment Discovery are necessary so that the Plaintiffs can determine whether there are means by which they may collect fringe benefit contributions, interest, damages, and attorneys' fees owed as a result of this Court's judgment against the Defendants.

In support of their Motion, Plaintiffs submit the Affidavit of Gregory A. Geiman in Support of Civil Contempt and their Memorandum of Law In Support of Plaintiffs' Motion for Finding of Contempt, which they incorporate by reference in this Motion.

Respectfully submitted,

LOUIS G. RASETTA and JOHN J.
SHAUGHNESSY, as they are TRUSTEES,
INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 4
HEALTH AND WELFARE FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
Anne R. Sills, Esquire
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Gregory A. Geiman, Esquire
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Dated: August 29, 2006

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Plaintiffs' Motion for Finding of Civil Contempt has been served by certified, first class, and electronic mail upon SAI Surveying Corporation at 23 Narragansett Avenue, Jamestown, RI 02835 and Barbara Szepatowski at 7 Green Lane, Jamestown, RI 02835 this 29th day of August, 2006.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire